

UNITED STATES BANKRUPTCY COURT  
Middle District of Florida  
Orlando Division

IN RE:

**Soraida Wendy Perez**

Case No: **6:18-bk-01690-KSJ**

**Chapter 13**

**Debtor**

**Motion to Dismiss for Failure to Maintain Timely Plan Payments**

**Total Due \$3,750.00**

**Notice of Opportunity to Object and Request for Hearing**

Pursuant to Local Rule 2002-4, the Court will consider the relief requested in this paper without further notice or hearing unless a party in interest files a response within twenty-one (21) days from the date set forth on the attached proof of service, plus an additional three days for service if any party was served by U.S. Mail.

If you object to the relief requested in this paper, you must file a response with the Clerk of the Court, United States Bankruptcy Court, George C. Young Courthouse, 400 W. Washington St., Suite 5100, Orlando, Florida 32801 and serve a copy on the Chapter 13 Trustee, Laurie K Weatherford, PO Box 3450, Winter Park, FL 32790-3450 and any other appropriate persons within the time allowed. If you file and serve a response within the time permitted, the Court will either schedule and notify you of a hearing, or consider the response and grant or deny the relief requested without a hearing.

If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

COMES NOW Laurie K. Weatherford, Chapter 13 Standing Bankruptcy Trustee for the Middle District of Florida, Orlando Division, and shows:

1. The Debtor filed this Chapter 13 case on 03/27/2018.
2. Pursuant to 11 USC 1322 (a)(1) the Debtor was to file a plan which among other things provides for the submission of all or such portion of future earnings or other income of the Debtor to the supervision and control of the Trustee as is necessary for the execution of the

3. The Debtor has failed to submit the supervision and control of the Trustee funds necessary for a plan to be successful in this case.
4. That review of the Debtor Report of Receipts and of the Debtor individual payments for this case reflects the Debtor is delinquent in payments under the Chapter 13 Plan in the amount of \$2,500.00 through June 11, 2018 and will be delinquent an additional payment of \$1,250.00 which will come due on June 26, 2018 for a delinquency in the sum of \$3,750.00 . Said total sum includes the next plan payment due under the Chapter 13 Plan which will become due and payable within the time frame allowed by the court for the Debtor to become current in the plan payments. A copy of the Plan Payment Schedule and Trustee's Report of Receipts is attached hereto as **Exhibit "A"**

WHEREFORE, the Trustee moves this honorable court for an order dismissing this case unless the Debtor pays the entire arrearage as listed above the Chapter 13 Trustee on or before **July 02, 2018** by mailing said sum to the payment address at **Post Office Box 1103, Memphis, TN 38101-1103**, and granting such relief as the court may deem appropriate.

#### **Certificate of Service**

I HEREBY CERTIFY, that a true and correct copy of the foregoing Motion to Dismiss for Failure to Maintain Timely Plan Payments has been furnished by the United States mail or by electronic transmission to the parties listed below on the 11th day of June, 2018.

**Debtor** - Soraida Wendy Perez, P O Box 272, Scottsmoor, FL 32775  
**Attorney** - Paul L Urich, Law Office Of Paul L Urich, 1510 E Colonial Dr, Ste 204, Orlando, FL 32803-4734

**BY: /S/ LAURIE K. WEATHERFORD**

Chapter 13 Trustee  
Stuart Ferderer  
FL Bar No. 0746967  
Ana DeVilliers  
FL Bar No. 0123201  
Attorney for Trustee  
PO Box 3450  
Winter Park, FL 32790  
Telephone: 407-648-8841  
Facsimile: 407-648-2665  
E-mail: info@c13orl.com

**Exhibit "A"**

**Plan Payment Schedule**

| <b>Period</b> | <b>Date (Month/Year)</b> | <b>Payment Due</b> | <b>Payment Received</b> | <b>Amount Due</b> |
|---------------|--------------------------|--------------------|-------------------------|-------------------|
| 1             | 04/2018                  | \$1,250.00         | \$0.00                  | \$1,250.00        |
| 2             | 05/2018                  | \$1,250.00         | \$0.00                  | \$2,500.00        |
| 3             | 06/2018                  | \$1,250.00         | \$0.00                  | \$3,750.00        |

**Report of Receipts**

| <b>Receipt Date</b> | <b>Source</b> | <b>Amount</b> | <b>Receipt Date</b> | <b>Source</b> | <b>Amount</b> |
|---------------------|---------------|---------------|---------------------|---------------|---------------|
|---------------------|---------------|---------------|---------------------|---------------|---------------|

**No Receipts to Date**